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October 1, 2002

**Ex Parte Presentation**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Application by SBC Communications Inc., et al. for Provision of In-Region, InterLATA  
Services in California, WC Docket No. 02-306*

Dear Ms. Dortch:

Pursuant to the Commission's section 271 filing requirements, DA 01-734 (Mar. 23, 2001), I am attaching on behalf of SBC Communications Inc. ("SBC") a letter and attachment provided today to the Department of Justice. In accordance with the Commission's Public Notice in this docket, DA 02-2333 (Sept. 20, 2002), SBC is filing this letter and its attachments electronically through the Commission's Electronic Comment Filing System. Thank you for your assistance in this matter.

Sincerely,



Colin S. Stretch

**Attachments**

cc: Renée R. Crittendon  
Tracey Wilson  
Brianne Kucerik  
Phyllis White  
Qualex International



Cynthia J. Mahowald  
Vice President and  
General Counsel

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October 1, 2002

Susan Wittenberg, Esq.  
Lauren Fishbein, Esq.  
Telecommunications Task Force  
Antitrust Division  
U.S. Department of Justice  
1401 H Street, NW, Suite 8000  
Washington, DC 20530

Dear Susan and Lauren:

Pursuant to our telephone conversation last week, below is an explanation of the PM results restatements for PMs 16, 19, 20, 21 and 23:

PM 16 - change to retail analog:

Results were restated for DS1 UNE loops to remove maintenance tickets associated with translation troubles as required by the May 24, 2001 version of the California Joint Partial Settlement Agreement ("JPSA"). The latest version of the JPSA requires that only central office wiring codes and outside plant codes be included in the retail analog for UNE loops. This programming was completed for other UNE loop types, but was inadvertently overlooked for DS1 UNE loops.

PMs 16, 19, 20, 21 and 23 - change to wholesale results and retail analogs:

Certain Trouble and Analysis codes associated with "test okay" and "found okay" conditions were not being tracked in the results for resale specials and special services UNE loops and their retail analogs. Results were restated to include these codes. This was caused by the transition from Maintenance Dispositions codes (used for many years by Pacific Bell for close out of all trouble tickets) to the use of Trouble and Analysis codes for special services (including resale specials and special services UNE loops). All Trouble and Analysis codes do not bear a one to one match with Maintenance Disposition codes, and thus some Trouble and Analysis codes were overlooked during initial implementation of this new coding regime earlier this year.

Regarding the September 5, 2002 restated PMS, I have enclosed the SBC Pacific Bell & SBC Nevada Bell Guidelines for Changing Published Data.

As I mentioned, please let me know if you would like me to schedule a conference call to discuss these issues.

Sincerely,

Enclosure

cc: Phil Sauntry, Esq.  
Brianne Kucerik

## **SBC Pacific Bell & SBC Nevada Bell Guideline for Changing Published Data**

There are occasions when it is recognized after publication that the performance measures data that has been published is incomplete or incorrect. Dealing with these occasions is the subject of this document.

Nevada 271 data is published on the CLEC Performance Measures Website by the 15<sup>th</sup> of each month. California 271 data is published on the CLEC Performance Measures Website by the 20<sup>th</sup> of each month. California and Nevada FCC data are published on the same website by the 20<sup>th</sup> of the same month.

Nineteen of our 271 measurements are tied to the FCC measurements in some way. Because of this we must evaluate not only the impact of changing published 271 data but also the potential change which would be necessary for the published FCC data. Compounding that, we are making performance incentive payments and evaluating change must also consider the possible impact on those payments.

Change, therefore, must be evaluated in at least three contexts: changing data vs changing published data; the impact on FCC measures; and the impact on performance incentive payments.

The minimum guideline for changing published data is as follows:

We will consider making a change to published data that was for the past three months depending on the materiality of the change.

A change is material if: (1) its effect would be to move a CLEC into or out of parity, (2) the change data represents all of a CLECs transactions for the data element, (3) the change would remove all of a CLECs transactions for the data element, (4) the change would move the aggregate result into or out of parity for an FCC measures or (5) the change would result in a difference in the FCC remedy amount.

Any known instance of potential change should be analyzed and recorded. The circumstances of materiality will be documented and reviewed for approval by the Decision Team 3<sup>rd</sup> level managers from Network Services Performance Measures, Network Services Affiant, Regulatory and Legal. If the approval is secured the change will be made.

This is a guideline only. There may be circumstances that warrant a conclusion that departs from this guideline. These departures must be approved by the Decision Team.

In all cases the Decision Document that records the potential reposting should include discussion of the circumstances that led to the problem and the changes that are to be implemented to prevent a repeat of the problem in the future.

## **SBC Pacific Bell & SBC Nevada Bell Guideline for Changing Published Data**

If 271 changes are approved, those changes will be coordinated so that they are made on either the 5<sup>th</sup> of the month or when data is normally reported. Unless there are unusual circumstances we will not change published FCC data except at the regular monthly update on the 20<sup>th</sup> of each month.